

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL NO. 5:10-CV-00072

THE NORTHWESTERN MUTUAL LIFE)
INSURANCE COMPANY,)
Plaintiff,)
)
v.)
)
JOYCE V. BENNER AND LOIS E.)
BENNER,)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on plaintiff in interpleader The Northwestern Mutual Life Insurance Company's ("Northwestern Mutual") consent motion for discharge from further liability, permanent injunction, dismissal with prejudice, and partial disbursement of interpleader funds. Upon consideration of the motion, for good cause shown and with the consent of defendants in interpleader, **IT IS HEREBY ORDERED THAT:**

1. Northwestern Mutual, as a disinterested stakeholder, has fulfilled its obligations under Policy Nos. 5184101, 5591546, 6004509, and 8129069 by depositing the sum of \$155,811.82 into the Court's registry;
2. Defendants in interpleader Joyce V. Benner and Lois E. Benner are permanently restrained from instituting or prosecuting against Northwestern Mutual any claim in any state or United States court affecting the life insurance benefits at issue in this case, except by way of interpleader in this action;
3. Northwestern Mutual is discharged from any and all further liability under the policies at issue in this case;

4. Northwestern Mutual shall recover \$5,000.00 from the interpleader fund, representing a compromise on its prayer for reasonable attorneys' fees and costs, by check made payable to THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY. The check shall be mailed to Northwestern Mutual's counsel, T. Matthew Creech, Smith Moore Leatherwood LLP, 300 North Greene Street, Suite 1400, Greensboro, North Carolina 27401; and
5. Northwestern Mutual is dismissed from this case with prejudice.

SO ORDERED.

Signed: August 27, 2010

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

